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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 KRISTOPHER MYERS  
15 Defendant.

Case No. 3:22-cr-00067-ART-CSD

**STIPULATION TO CONTINUE  
MOTION DEADLINES AND TRIAL  
DATES**  
(Sixth Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Federal Public  
18 Defender Rene L. Valladares, Assistant Federal Public Defender SEAN A. MCCLELLAND,  
19 counsel for KRISTOPHER MYERS, United States Attorney Jason M. Frierson, and Assistant  
20 United States Attorney RANDOLPH J. ST. CLAIR, counsel for the United States of America,  
21 that the calendar call currently scheduled for October 15, 2024, at 11:00 a.m., be vacated and  
22 continued to **November 26, 2024, at 11:00 a.m.**, and the trial scheduled for October 22, 2024,  
23 at 9:30 a.m., be vacated and continued to **December 3, 2024, at 9:00 a.m.**

24 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to  
25 and including **October 21, 2024**, to file any and all pretrial motions and notices of defense.  
26

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
2 shall have to and including **November 4, 2024**, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
4 shall have to and including **November 12, 2024**, to file any and all replies to dispositive  
5 motions.

6 The Stipulation to continue is entered into for the following reasons:

7 1. First, the failure to grant this continuance would deny counsel for the defendant  
8 the reasonable time necessary for effective preparation, taking into account the exercise of due  
9 diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

10 2. The client is currently on bond and consents to the continuance.

11 3. Counsel for the defendant will need additional time to conduct investigation in  
12 this case in order to determine whether there are any pretrial issues that must be litigated and  
13 whether the case will ultimately go to trial or resolved through negotiations.

14 4. The additional time requested herein is not sought for purposes of delay, but  
15 merely to allow counsel for the defendant sufficient time to complete necessary research,  
16 prepare and submit appropriate pretrial motions.

17 5. The proposed date would allow counsel to represent other clients zealously and  
18 still allow for meaningful investigation and litigation of this case, including the filing of pretrial  
19 and trial motions.

20 6. Denial of this request for continuance would deny counsel for the defendant  
21 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of  
22 defense, taking into account the exercise of due diligence.

23 7. Additionally, denial of this request for continuance could result in a miscarriage  
24 of justice. The additional time requested by this stipulation is excludable in computing the time  
25 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),  
26 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and

1 3161(h)(B)(iv).

2 This is the sixth stipulation to continue filed herein.

3 DATED this 8th day of October, 2024.

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5 RENE L. VALLADARES  
6 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

7 */s/ Sean A. McClelland*  
8 By: \_\_\_\_\_  
9 SEAN A. MCCLELLAND  
Assistant Federal Public Defender  
Counsel for Kristopher Myers

*/s/ Randolph J. St. Clair*  
By: \_\_\_\_\_  
RANDOLPH J. ST. CLAIR  
Assistant United States Attorney  
Counsel for United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KRISTOPHER MYERS,

Defendant.

Case No. 3:22-cr-00067-ART-CSD

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW AND**  
**ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The continuance is necessary for the following reasons. First, the failure to grant this continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The client is on bond and consents to the continuance.

3. Counsel for the defendant will need additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or resolved through negotiations.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit appropriate pretrial motions.

5. The proposed date would allow counsel to represent other clients zealously and still allow for meaningful investigation and litigation of this case, including the filing of pretrial and trial motions.

6. Denial of this request for continuance would deny counsel for the defendant

1 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of  
2 defense, taking into account the exercise of due diligence.

3 7. Additionally, denial of this request for continuance could result in a miscarriage  
4 of justice. The additional time requested by this stipulation is excludable in computing the time  
5 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),  
6 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and  
7 3161(h)(B)(iv).

8 This is the sixth stipulation to continue filed herein.

9  
10 **CONCLUSIONS OF LAW**

11 The ends of justice served by granting said continuance outweigh the best interest of the  
12 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
13 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
14 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
15 account the exercise of due diligence.

16 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
17 United States Code, Section 3161 (h)(7)(A), when the considering the factors under Title 18,  
18 United States Code, Section 3161(h)(7)(B)(i) and (iv).

**ORDER**

IT IS THEREFORE ORDERED that the parties herein shall have to and including **October 15, 2024** to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including **October 1, 2024** to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including **October 8, 2024** to file any and all replies.

IT IS FURTHER ORDERED that the calendar call currently scheduled for October 15, 2024, at 11:00 a.m., be vacated and continued to **November 26, 2024, at 11:00 a.m.**; and the trial currently scheduled for October 22, 2024, at 9:30 a.m., be vacated and continued to **December 3, 2024, at 9:30 a.m.**

**IT IS SO ORDERED** this \_\_\_\_\_ of October, 2024.

\_\_\_\_\_  
ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE